



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,021	12/09/2003	Andreas Obrebski	0902-009	2756

7590 10/19/2006

Steven M. duBois
Potomac Patent Group, PLLC
PO Box 855
McLean, VA 22101-0855

EXAMINER

NGUYEN, THONG Q

ART UNIT	PAPER NUMBER
----------	--------------

2872

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,021

Applicant(s)

OBREBSKI ET AL.

Examiner

Thong Q. Nguyen

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-33 and 35-45 is/are pending in the application.
- 4a) Of the above claim(s) 13,14,17-19,21-33 and 37-39 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15,20,43 and 44 is/are allowed.
- 6) ☒ Claim(s) 16,35,36,40 and 41 is/are rejected.
- 7) ☒ Claim(s) 42 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/2/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment filed on 8/7/2006. It is noted that in the amendment, applicant has amended the specification, the drawings and the claims. Regarding to the claims, applicant has amended claims 35, 43 and 44, and added one dependent claim, i.e., claim 45, into the application. As amended and newly-added, the pending claims are claims 13-33 and 35-45 in which claims 15-16, 20, 35-36, and 40-45 are examined in this Office action. Claims 13-14, 17-19, 21-33 and 37-39 have been withdrawn from further consideration as being directed to non-elected invention(s)/species(s). Note also that claims 1-12 and 34 were canceled in the amendment of 6/27/05.

Drawings

2. The replacement sheet contains corrected figure 1 was received on 8/7/2006. The replacement sheet having corrected figure 1 is approved by the Examiner.

3. The objections to the drawings as set forth in the previous Office action are overcome by the amendments to the drawings and the specification as provided in the amendment filed by applicant on 8/7/2006.

Specification

4. The lengthy specification which was amended by the amendment of 8/7/06 has not been checked to the extent necessary to determine the presence of all possible

Art Unit: 2872

minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

5. Claims 35-36, and 40-42 are objected to because of the following informalities.

Appropriate correction is required.

a) Claim 35 recites that the at least one light emitter comprises at least one of a generating semiconductor device, an organic light generating device, and a light emitting polymer device (see lines 6-9). Such a recitation is misdescriptive of the invention as taught in the specification, in particular, pages 5-7. Applicant should note that the specification discloses that the light emitter can be a generating semiconductor device or an organic light generating device or a light emitting polymer device. The specification has never disclosed that the light emitter comprises more than one kind of device as can be read from the feature recited on lines 5-7. Should the terms "at least" (second occurrence) which appeared on line 6 of the claim after the term "comprises" be deleted?

b) The remaining claims are dependent upon the objected base claim and thus inherit the deficiency thereof.

Claim Rejections - 35 USC § 112

6. The rejection of claims 35-36 and 40-42 under 35 U.S.C. 112, first paragraph, as set forth in the previous Office action is overcome by the amendment to claim 35 as provided in the amendment of 8/7/2006.

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Hamada et al (U.S. Patent No. 5,048,941, of record).

Hamada et al disclose a microscope system. The system as described in columns 5-6 and 12-13 and shown in figs. 2-3 and 20-21 comprises the following features: a) a microscope body (13) supporting a plurality of devices (13a-c) which are operated by electricity provided by a power supply; b) a stand (11) having a base; c) a plurality of rotating arms (12a-b) for connecting the microscope body to the stand. See columns 2-3. Regarding to the structure of the pivotal arms, in columns 12-13, Hamada et al disclose that the microscope body is attached to an end of the arm (12a) and one end of the arm (12b) is attached to the stand (11). Each of the arms is movable with respect to each other, thus the microscope body is able to move relative to the base of the stand. The stand (11) supports a plurality of connections mechanically attached to the stand so that the electrical current from the power sources (14a-c) are guided to the devices (13a-c) attached to the microscope body.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 35-36 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al in view of Deck (U.S. Patent No. 5,309,277).

The microscope system having a stand for supporting a plurality of removably support sections (14-18) and pivotal arms (12) wherein each support sections supports a power supply for providing power to a particular device of the microscope does not clearly state that kind of lamp used in the microscope. However, the use of an illuminating system for illuminating an object to be viewed by a microscope wherein the illuminating system comprises an array of semiconductor light sources each has a particular wavelength and a light pipe for receiving all light from the array of semiconductor light sources is known to one skilled in the art as can be seen in the microscopic system provided by Deck. In particular, Deck discloses an illuminating system for use with a microscope, see column 1, lines 1-13. The illuminating system comprises an array of semiconductor light sources (4) having different wavelengths, see column 6, lines 64+ through column 7, lines 24, and a light pipe (7) for receiving light of different wavelengths, see column 7, lines 48+ through column 8, 37, wherein the light pipe is shaped so that the light from each semiconductor light source is reflected from the walls of the light pipe during a mixing process before the light emits from the output end of the light pipe. It is also noted that the kind of light sources as provided by Deck can be light emitting diode or laser diodes, see column 5, lines 49-56. Regarding to the feature that the diodes are organic diodes as claimed in

present claim 36, such a feature is merely that of a preferred embodiment and no critical has been disclosed. The support for that conclusion is found in the present specification and the claims in which applicant has claimed that the light source is a semiconductor light source, see present claims 35 and 40-42. See also *In re Leshin*, 125 USPQ 416. Thus, it would have been obvious to one skilled in the art at the time the invention was made to use an illuminating system having a plurality of semiconductor light sources having different wavelengths and a light pipe for receiving the plural lights of different wavelengths as suggested by Deck for the purpose of providing a particular pattern of light distribution.

Allowable Subject Matter

11. Claims 15, 20, 43 and 44 are allowed.
12. Claims 42 and 45 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
13. The following is a statement of reasons for the indication of allowable subject matter:

a) The microscope as recited in each of claim 15 and claim 43 is patentable with respect to the cited art by the limitations related to the structural relationship among the power supply and the pivotal arms of the microscope. It is noted that while the use of a microscope having a support comprises a plurality of pivotal arms and a power supply for providing light to a microscope is known to one

skilled in the art as can be seen in the U.S. Patent Nos. 5,048,941; 3,776,614; 6,493,134 and 4,321,917; however, the cited art does not disclose that the power supply comprises a contact rail disposed on a first arm and a sliding contact disposed adjacent to the contact rail wherein the sliding contact is disposed on a second arm which arms are pivotally connected to each other as claimed.

b) The microscope as recited in each of claim 20 and claim 44 is patentable with respect to the cited art by the limitations related to the structural relationship among the power supply and the base of the stand supporting the microscope. It is noted that while the use of a microscope having a stand support a microscope and a control system having a power supply wherein the base of the stand and the control system are located on a floor of a room is known to one skilled in the art as can be seen in the U.S. Patent Nos. 5,048,941; 5,074,651 and 4,912,388; however, the cited art does not disclose that the power supply comprises an induction transmitter disposed on or in the floor of the room and the base comprises an induction receiver in communication with the induction transmitter to supply electrical current to a device located in the microscope.

c) The microscope as recited in claim 42 is patentable with respect to the prior art by the limitations related to the light mixer for guiding light from at least two semiconductor devices to a field for surgery. It is noted that while the use of a light mixer for missing light from plural semiconductor light sources is disclosed in the patent No. 5,309,277 and the use of fiber partially disclosed around an objective lens is disclosed in the Patent No. 5,325,231; however, there is not any

suggest from the mentioned arts to modify the light pipe provided by the patent No. 5,309,277 as the fiber surrounding the objective lens system provided by the Patent No. 5,325,231 to meet the device as claimed in present claim 41.

d) The microscope as recited in claim 45 is patentable with respect to the cited art by the limitations related to the structural relationship among the power supply and the stand supporting the microscope. It is noted that while the use of a microscope having a stand having a plurality of removable portions supporting different set of powers supplies and rotating connected arms support a microscope is known to one skilled in the art as can be seen in the U.S. Patent Nos. 5,048,941; however, the cited art does not disclose that the mechanically supporting component of the stand forms path of a current path to and from the device powered by electrical current is a portion of pivotally connected arms and the current flows through the mentioned portion of the pivotal connected arms as claimed.

Response to Arguments

14. Applicant's arguments filed on 8/7/2006, pages 18-19, have been fully considered but they are not persuasive.

Regarding to the rejection of claim 16 under 35 USC 102(b) over the art of Hamada et al, applicant has argued that the art of Hamada et al does not disclose that the stand contains mechanical support component forming part of a current path to and from the device powered by electrical current. The Examiner respectfully disagrees with the applicant's opinion for the following reasons.

First, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Second, the applicant is respectfully invited to review the art of Hamada et al. Hamada et al disclose a stand comprises a plurality of removable sections (14-18), see column 5, lines 45-48 and fig. 2, wherein each section comprises a connector (25a, for instance), a switch and fuse (14e, for instance), a power supply (14a, for instance), a control means (14b, for instance) which provides power to a particular device (13a, for instance) of the microscope, see column 5, lines 48+ through column 6, lines 53. Since each section (14-18) is a mechanically support component of the stand and since each section is able to remove from the stand for replacement, therefore, whenever a section is removed from stand then the electric current provided to a particular device of the microscope is disappeared because there is not any power supply for supply power to the device. In particular, when the power source (14a) located in the section (14) is damaged or the section (14) is removed from the stand then there is not power supply being provided to the device (13a) for controlling the magnification of the microscope. Thus, applicant's arguments have been fully considered but they are not persuasive.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2872

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

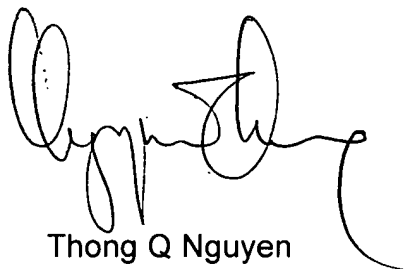
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thong Q Nguyen', with a stylized flourish extending from the end.

Thong Q Nguyen
Primary Examiner
Art Unit 2872



Replacement Sheet

1/5

Entirety approved
10/13/06

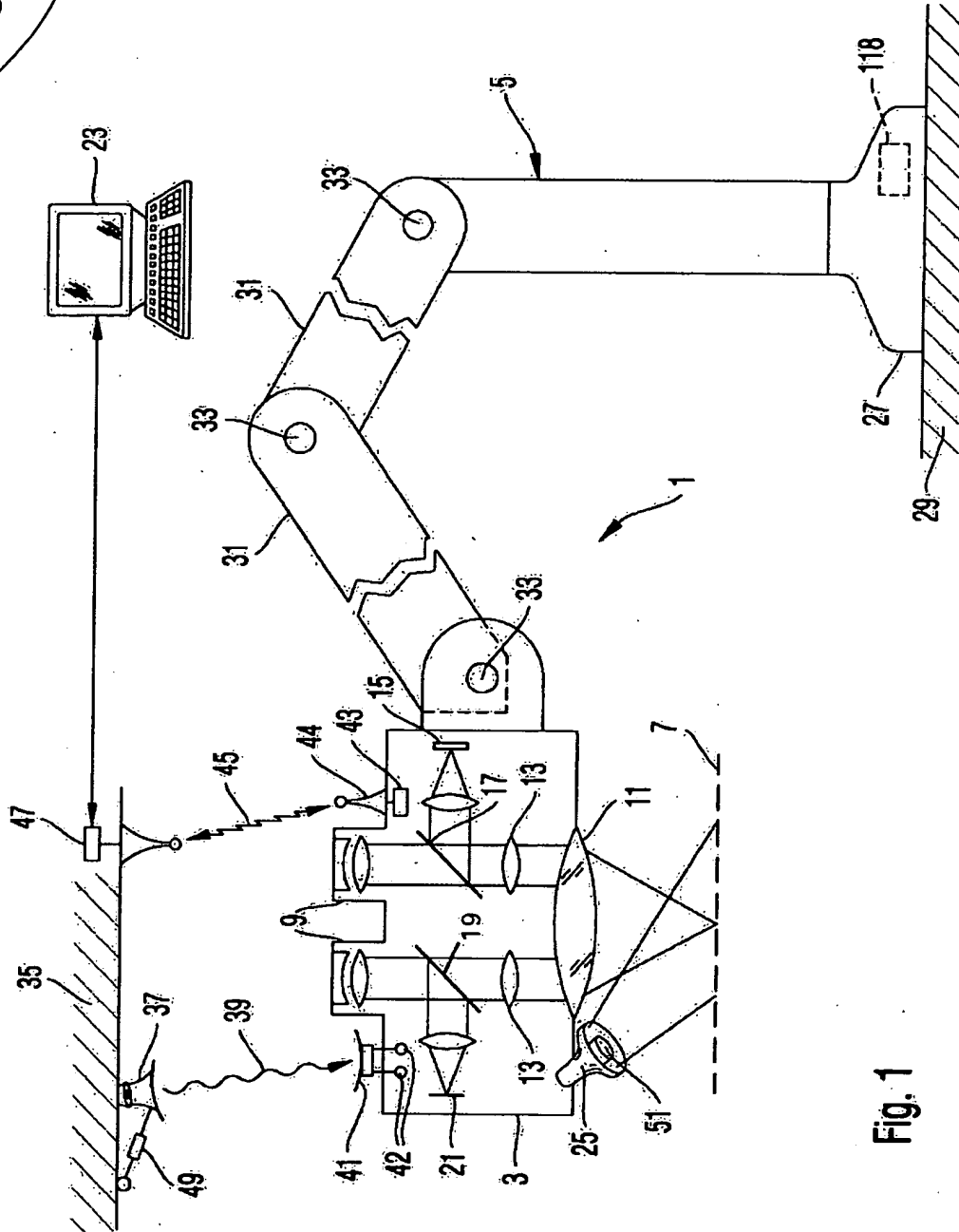


Fig. 1